REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 4, 2008.

In the instant Office Action, the Examiner rejected all pending claims 1-25.

Specifically, claims 1-9 and 24 are rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 1-5, 7-11, 13-17, 19, 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2004/0015953 to Vincent (Vincent hereinafter); claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of US Publication No. 2003/0074403 to Harrow et al. (Harrow hereinafter); and claims 12, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of US Patent No. 7,228,539 to Zhang et al. (Zhang hereinafter).

Applicants have amended claim 1 addressing the 112, 2nd paragraph rejection only, without entering any new matter thereby.

Discussion of Office Action Rejections Under 35 U.S.C. 112, 2nd Paragraph

Claims 1-9 and 24 are rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response thereto, Applicants have amended claim 1, and submitted that claims 1-9 and 24 are now definite and clear. The 35 U.S.C. 112, 2nd paragraph rejection is thus

solicited to be withdrawn.

Discussion of Office Action Rejections Under 35 U.S.C. 102

Claims 1-5, 7-11, 13-17, 19, 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Vincent.

Applicants hereby otherwise traverse these rejections, and submit that claims 1-5, 7-11, 13-17, 19, 21-24, is neither taught, disclosed, nor suggested by Vincent, or any of the other cited references, taken alone or in combination, and thus should be allowed.

With respect to claim 1, as previously presented, recites in parts:

A method of software upgrade control for a system server and a sub-network including a plurality of user terminals, the method comprising the steps of:

...

(d) determining which of said plurality of user terminals unselected in step (b) include any of said absent updated software versions of the list;

(e) receiving from said unselected ones of said plurality of user terminals said absent updated software versions determined in step (d) to have been included in said unselected ones of said plurality of user terminals;

(f) receiving from said server those of said absent updated software versions determined in step (d) to have not been included in said unselected ones of said plurality of user terminals; and

...

Applicants submit that Vincent reference, in its entirety, fails to teach the steps (d), (e), and (f), as a whole as required by the claimed invention, as set forth in claim 1.

Firstly, step (d) recites: "determining which of said plurality of user terminals unselected in step (b) include any of said absent updated software versions of the list".

Addressing to this limitation, the Examiner designated paragraph [0051], in which Vincent teaches: "The components that need to be updated **may be** located at **one computer**, typically a server, on the computer network, **or** they may be located **at various and different computers**" (Emphasis added).

According to this teaching, we can learn that Vincent is teaching a fact that the components that need to be updated **can be located at one or more computers**. Vincent does not teach, or suggest to find out any user terminal that includes any component needed for updating.

Secondly, as defined by steps (d), (e), and (f) as set forth in claim 1, the claimed invention requires to divide the absent updated software versions into two parts at step (d), which "have been included in said unselected ones of said plurality of user terminals", and which "have not been included in said unselected ones of said plurality of user terminals", respectively. Then, these two parts of absent updated software versions are received from different locations, "said unselected ones of said plurality of user terminals", and "said server", respectively.

On the contrary, Vincent merely teaches to obtain the required components according to their locations, and fails to teach dividing the components into two groups

for discriminatively handling.

As such, the present invention, as set forth in claim 1, and its dependent claims 2-5,7-9 and 24, is submitted to be novel and unobvious over Vincent, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Further, claim 24, recites the limitation of "wherein said absent updated software versions determined in step (d) to have not been included in said unselected user terminals are received only after receiving from said unselected user terminals those of said absent updated software versions determined in step (d) to have been included in said unselected user terminals", in which the two parts of absent updated software versions are further defined as being received in sequence, which is neither taught, disclosed, nor suggested by Vincent.

As such, claim 24 bring further patentable weight to the claimed invention.

With respect to claim 10, recites in parts:

A software upgrade control system comprising:

a system server;

a plurality of updated software versions provided at said system server;

a sub-network including a first user terminal and a second user terminal, each user terminal including a first client-server structure and a second client-servers structure;

... (Emphasis added)

Applicants submit that Vincent fails to teach "**a sub-network including a first user terminal and a second user terminal, each user terminal including a first client-server structure and a second client-servers structure**".

In rejecting claim 10, addressing to this limitation, the Examiner relies FIGs. 2 and 3 of Vincent (as recited below), and interpreted "a sub-network (FIG. 2) including a first user terminal (FIG. 2, element 110) and a second user terminal (FIG. 2, element 114), each user terminal including a first client-server structure and a second client-server structure (FIG. 3, element 110a and 110b)".
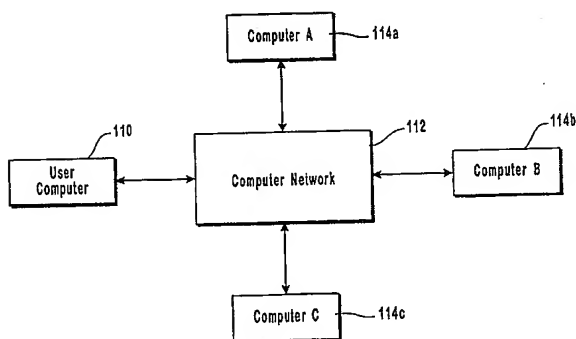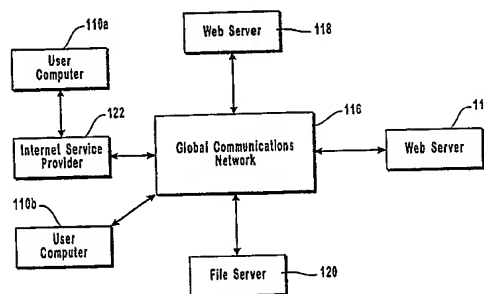

FIG. 2

FIG. 3

Vincent teaches, as shown in FIG. 2, that item 110 is a user computer, while items 114a, 114b, and 114c are other computers. Further, as shown in FIG. 3, Vincent teaches: "some user computers 110a are directly connected to the Internet, while other user computers 110b use a modem to dial up an Internet Service Provider ("ISP") 122 to access the Internet" (paragraph [0043]). As such, items 110a and 110b are user computers which are distinct according to the ways they connect to the Internet. And thus items 110a and 110b are individual computers, rather than different client-server

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structures of one user terminal (user computer 110 or 114).

Since the Examiner erred in interpreting the element 110a and 110b as reading on the first client-server structure and the second client-server structure, the subsequent interpretation derived therefrom is correspondingly traversed.

As such, the present invention, as set forth in claim 10, and its dependent claims 11, 13-16 is submitted to be novel and unobvious over Vincent or any of the other cited references, taken alone or in combination, and thus should be allowed.

Further, Applicants submit that independent claim 17 recites the limitation similar to that of claim 10 which is discussed above, and thus should also be allowable.

Therefore, claims 19, and 21-23 depending upon allowable independent claim 17 should also be allowable.

Discussion of Office Action Rejections Under 35 U.S.C. 103

Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Harrow.

In response thereto, Applicants submit that claim 6 depends upon allowable independent claim 1, and claim 25 depends upon allowable independent claim 10, and thus claims 6 and 25 should also be allowable.

Claims 12, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Zhang.

In response thereto, Applicants submit that claim 12 depends upon allowable independent claim 10, and claims 18 and 20 depend upon allowable independent claim 17, and thus claims 12, 18 and 20 should also be allowable.

CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-25 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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